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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,320	03/08/2004	Robert R. Krebs	41106-99/YOD	4281
7590	06/14/2006		EXAMINER NGUYEN, PHUNG	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,320	KREBS, ROBERT R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phung T. Nguyen	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 11-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 21-25 and 40-44 is/are allowed.  
 6) Claim(s) 11-15, 17-20, 26, 30-35, 38, 39 is/are rejected.  
 7) Claim(s) 16, 27-29, 36 and 37 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 03/08/04, 11/01/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-13, 15, 17, 26, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by McDonough et al. (U.S. Pat. 5,920,290).

**Regarding claim 11:** McDonough et al. disclose resonant tag labels and methods of making the same comprising a printed conductive antenna on the first substrate layer; and at least one additional layer overlying the antenna to form a laminate structure (fig. 1, col. 4, lines 47-50).

**Regarding claim 12:** McDonough et al. disclose wherein the antenna is disposed on the layer of substrate by stenciling or screen printing (col. 4, lines 47-50).

**Regarding claim 13:** McDonough et al. disclose wherein the antenna is a single loop antenna including a single trace of conductive material disposed on the layer of substrate as seen in figure 1.

**Regarding claim 15:** McDonough et al. disclose wherein the layer of substrate and the at least one additional layer of substrate form a high pressure decorative laminate (col. 8, lines 46-58).

**Regarding claim 17:** McDonough et al. disclose wherein the layer of substrate is a vinyl sheet (col. 4, lines 54-57).

**Regarding claim 26:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 30:** McDonough et al. disclose wherein the antenna is configured to receive signals at a RF (col. 7, lines 1-5).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 33-35, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. in view of Kayanakis et al. (US 2005/0066513).

**Regarding claim 14:** McDonough et al. disclose a single loop antenna as shown in figure 1 but do not teach wherein the antenna is a multiple-loop antenna including at least two parallel traces of conductive material disposed on the layer of substrate. However, Kayanakis et al. disclose method of producing a contactless chip card or a contact/contactless hybrid chip card with improved flatness comprising a multi-loop antenna (Fig. 1, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the conventional multiple-loop antenna as taught by Kayanakis et al. in the system of McDonough et al. if desired.

**Regarding claim 33:** All the claimed subject matter is already discussed in respect to claim 1 above. Kayanakis et al. also teach disposing a fluid on a first layer to form a conductive antenna (paragraph 0026).

**Regarding claim 34:** Kayanakis et al. teach wherein the fluid is an ink and is disposed on the first layer via a printing process (paragraph 0026).

**Regarding claim 35:** Kayanakis et al. inherently disclose curing the conductive antenna prior to placing the one or more additional layers on the first layer (paragraph 0026).

**Regarding claim 38:** Kayanakis et al. teach wherein the antenna is printed by stenciling or screen printing (paragraph 0026).

**Regarding claim 39:** Kayanakis et al. teach wherein the antenna is printed with a silver-containing ink (paragraph 0026).

5. Claims 18, 19, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. in view of Bauer et al. (US 2003/0174099).

**Regarding claim 18:** McDonough et al. do not disclose wherein the antenna is configured for transmitting and receiving signals at a frequency of approximately 13.5 MHz. as claimed. However, Bauer et al. disclose intelligent station using multiple RF antennae and inventory control system and method incorporating same which comprises the antenna is configured for transmitting and receiving signals at a frequency of approximately 13.5 MHz (paragraph 0004). Therefore, it would have been obvious to the skilled artisan to utilize the teaching of Bauer et al. in the system of McDonough et al. in order to have a desired frequency which is an advantage.

**Regarding claim 19:** Bauer et al. disclose the antenna is configured for transmitting and receiving signals at a frequency of approximately 915 MHz (paragraph 0130).

**Regarding claim 31:** Refer to claim 18 above.

**Regarding claim 32:** Refer to claim 19 above.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. in view of Plonsky et al. (U.S. Pat. 5,387,900).

**Regarding claim 20:** McDonough et al. do not disclose a shield operative with the multi-layer surface to shield interference from or to the antenna. However, Plonsky et al. disclose EAS system with improved processing of antenna signals comprising the shielding in the form of shields 7 and 8 (fig. 1, col. 3, lines 60-68). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Plonsky et al. in the system of McDonough et al. in order to confine the transmitted signal.

#### *Allowable Subject Matter*

7. Claims 16, 27-29, 36, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 21-25, and 40-44 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 21 and 40, patentability resides in "a protective, melamine impregnated layer of cellulosic material disposed on the decorative layer; and a printed RF antenna formed at

an interface between phenolic impregnated layers of the structure or between a phenolic impregnated layer and the decorative layer.", in combination with the other limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ferguson et al. [U.S. 2005/0001785] disclose RFID device and method of forming.
- b. Mcskowitx et al. [U.S. Pat. 5,528,222] disclose RF circuit and memory in thin flexible package.

- c. Appalucci et al. [U.S. Pat. 5,241,299] disclose stabilized resonant tag circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen



Date: June 9, 2006.